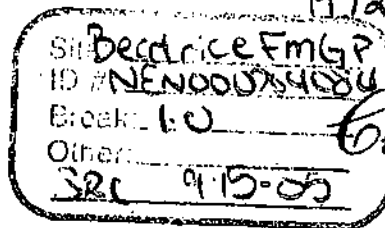


August 24, 2005

05 SEP 15 AM 9:34

Senator Chuck Hagel
248 Russell Senate Office Building
Washington, DC 20510



City of Beatrice

www.ci.beatrice.ne.us

402-228-5200

400 Ella Street

Beatrice, Nebraska 68310

RECEIVED
LINCOLN DISTRICT OFFICE

SEP 16 2005

Dear Senator:

SENATOR HAGEL

This letter is written out of total frustration, let me explain. For the past 20 years we have been encouraged to utilize the FEMA buyout program in purchasing residential properties and demolishing those properties that lie within the flood plain as established by FEMA for the City of Beatrice. In the last number of years the program has been expanded to now include commercial type properties. Approximately ten years ago we purchased a commercial property owned by Peoples Natural Gas. This property is along the Big Blue River and to the best of our knowledge was a service center for the local gas company for their servicing and small construction crews. We purchased this through the FEMA program in which the purchase price was funded through FEMA at 100%. The two old structures were then demolished with the Feds paying 90% and the City of Beatrice paying 10%. The whole intent of the FEMA buyout program was to remove structures from the floodways so as to reduce contributions and insurances resulting from multiple disasters while providing open and green spaces and during times of flooding reduce floodway damages.

Now, almost 10 years later, we have received a notification from the Region VII EPA offices of Kansas City signed by a Barbara Peterson, indicating that this particular site was formerly a manufactured gas plant. We have learned that in the 1890's through approximately 1930 this parcel was used by private firms to receive coal, extract the gas from the coal, subsequently leaving a coal tar in which was then buried on the site. According to the EPA orders; because we are the current owner of the property, we are being listed as a potential, responsible party (PRP).

We have met with officials in Kansas City and it is our understanding that this site has been designated through the EPA for many years as a manufactured gas plant site (unknown to us) and yet nothing was ever filed with our local register of deeds that would have indicated to us that historically there was potential contamination as a result of the manufactured gas plant operation occurring in the late 1800's and early 1900's. According to the EPA regulations, the current owner is always listed as a PRP. If we would have known that this site was a potential contaminated site on the EPA listing, we would never have purchased this site through the federal program and place the citizens of Beatrice in a most uncompromising position with the EPA Officials. During this 110 year span this parcel was operated bought and sold by at least 6 or 8 different gas companies. At no time was any record filed either by the EPA or a State Agency indicating a potentially hazardous site.

Beatrice
NEBRASKA
402-228-5200

40254067

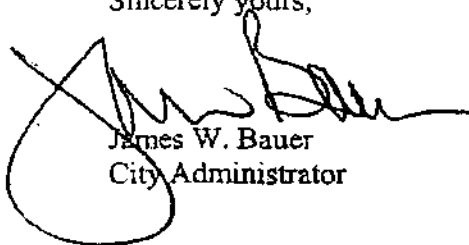


SUPERFUND RECORDS

Many of these companies I am sure are now defunct and yet should be held accountable rather than the City of Beatrice, being an innocent bystander and now because we are the owner under one federal program to rid the area of old dilapidated properties and clear the flood plain, we are now being charged with another federal agency as a site being contaminated and that we are financially responsible for the clean up that may take years and many, many dollars to resolve.

We are asking for your assistance in contacting the EPA officials and requesting that the City of Beatrice, being an innocent party, be deleted from the classification of a potential responsible party.

Sincerely yours,



James W. Bauer
City Administrator

Beatrice
NEBRASKA
ROOTS TO CALL HOME

Correspondence Management System

Tracking Document

PDF to John
O make Lead ??

Control No.: AL-05-001-4196
Status: Pending
Due Date: Oct 06, 2005
Letter Date: Sep 21, 2005
Received Date: Sep 22, 2005
Close Date: N/A

of Extensions: 0

Notes:

Alt No.:

File Code: 141-A CONGRESSIONAL CORRESPONDENCE

From: Chuck Hagel

Organization: United States Senate
Street: SR-248 Russell Senate Office Building
City/State/Zip: Washington / DC / 20510
Country: USA

Committee:

Sub Committee:

Constituent: James Bauer

To: AD-Administrator

To Org: EPA

Subject: Regarding site acquired through a FEMA floodplan buyout program

Signature: RA-R7-Regional Administrator - Region 7

Signature Date: N/A

Instruction Codes: RA-R7-Prepare draft response for signature by the Regional Administrator for Region 7

Instruction Notes: Please send EPA's written response to 294 Federal Bldg, 100 Centennial Mall North, Lincoln, NE 68508.

Lead Author:

Lead Author Office:

Lead Author Due Date: N/A

Lead Author Assigned Date: N/A

Lead Author Complete Date: N/A

Lead Author Instruction:

Date:

Supporting Author:

CC: HS-Holly Smithson

Lead Info:

Assigner	Office	Assignee	Assigned Date	Due Date	Instructions	Completed Date
Cynthia Gaines	OCIR	R7	Sep 22, 2005	Oct 06, 2005	RA-R7-Prepare draft response for signature by the Regional Administrator for Region 7	N/A

Support Info:

Assigner	Office	Supporting Assignee	Assigned Date
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No records found

Assignment History:

Assigner	Office	Action	Date of Action
Cynthia Gaines	OCIR	Assign R7 as lead office	Sep 22, 2005

Assignment Comments:

Commentator	Comment	Date of Comment
	No records found	

CHUCK HAGEL
NEBRASKA

248 RUSSELL SENATE OFFICE BUILDING
(202) 224-4224
(202) 224-9083 TTY/TDD

United States Senate

WASHINGTON, DC 20510-2705

September 21, 2005

FOREIGN RELATIONS

CHAIR, SUBCOMMITTEE ON INTERNATIONAL ECONOMIC
POLICY, EXPORT AND TRADE PROMOTION

BANKING, HOUSING, AND URBAN AFFAIRS
CHAIR, SUBCOMMITTEE ON SECURITIES AND INVESTMENT

SELECT COMMITTEE ON INTELLIGENCE

RULES AND ADMINISTRATION

The Honorable Stephen Johnson
Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Johnson:

Enclosed is a letter from James W. Bauer, City Administrator of Beatrice, Nebraska. Mr. Bauer reports that Region VII EPA has notified the City that it may be listed as a potentially responsible party (PRP) for a site acquired through a FEMA floodplain buyout program. The City is requesting that it not be held responsible for pollution that occurred many years before it purchased the property ten years ago.

I am very concerned about the issues Mr. Bauer has raised and would appreciate a prompt review of this matter. Please send your written response to my Lincoln office. If you need further information, please contact Lyndsy Jenness in my Lincoln office at (402) 476-1400.

Thank you for your attention to this matter.

Sincerely,



CTH:lmj
Enclosure

cc: James B. Gulliford, EPA Region VII Administrator, Kansas City, KS

4111 FOURTH AVENUE
SUITE 26
KEARNEY, NE 68845
(308) 236-7602

294 FEDERAL BUILDING
100 CENTENNIAL MALL NORTH
LINCOLN, NE 68508
(402) 476-1400

11301 DAVENPORT STREET
SUITE 2
OMAHA, NE 68154
(402) 758-8981

115 RAILWAY STREET
SUITE C102
SCOTTSBLUFF, NE 69361
(308) 632-6032

chuck_hagel@hagel.senate.gov

CHUCK HAGEL
U.S. SENATOR — NEBRASKA

— FAX —

To: EPA Congressional Relations

Fax: 202-501-1519

Subject: *City of Beatrice*

Pages: 4 (including this one)

Date: September 21, 2005



*CC U
Lyndsy
Jenness
Catherine
Chris
Jim W*

Please direct a response to Senator Hagel's Lincoln Office. Feel free to contact me if you need further information. Thank you.

From the desk of....

Lyndsy

Lyndsy Mlady Jenness
Constituent Services Representative
Senator Chuck Hagel
100 Centennial Mall North Room 294
Lincoln, NE 68508
(402) 476-1400
Fax: (402) 476-0605
lyndsy_mlady@hagel.senate.gov